but ween Sucretary Adams and Mr. A. Kerr. Some time in March last. Mr. Adams, in our presence and within the usual banking hour, entered the banking room of the Bank of the Metropolis, and soon addressing himself to Mr. Kerr the Cashier observed. "You did not treat me well about that note of Mrs. Moulton," or words to that effect. Mr. K. asked how he had treated him otherwise? Mr. A. said, why yas waited until a most the last moment, and then, when the mind engaged in public hallings; and could not attend to it, you sent me notice that the note was not paid shad you done so a day or two before. I might have made some arrangement for settlement and prevented the protest which was immediately made. Mr. K. observed, that the drawer had due notice, and that it was impossible for him to have made the communication to him (Mr. A.) earlier, inasmuch as he had no right to presume that the note would be paid within the days of grace (probably on the last of those days, as frequently occur red in similar cases;) that he had, therefore. accordingly waited, until towards the last hour of the last day of grace, and then, when it appeared improbable that payment would be made, he advised Mr. A. thereof, to enable him to give such attention to the case as it required Mr. A said little or nothing more on this point, which induced us to think, after the explanation of Mr. Kerr, that he assented to the propriety of the latter's conduct

After a few moments silence Mr. A. asked Mr. K. to show him the note: it was handed to him.

ed Mr K. to shew him the note: it was handed to him. After examining it, hesaid in an angry tone, "this note was improper ly and fraudulently obtained from me." Mr K, enquired how? adding that he (K.) had no agency or participation in obtaining it Mr. A. observed no, but "you procured another to do it." The note, he added, ought to have been for one hundred and twenty-five dollars only, and not for one hundred and eighty seven and an half, as it is, and I was it shart scapect imposed upon and deceived in the transaction Mr K. observed that he had no communication whatever with, and had never seen or known, him in the transaction—that Mrs. A. had, ofher own accord, and without any

advance from him (K.) introduced the sub-ject to him; and that the sum expressed in the note was the sum actually due when Mrs. A. wrote to him that Mrs. Monkon's debt due to him should be secured by Mr.

A. He added that, being satisfied with A. He added that, octoing satisfact Mrs. Moulton, were suspended; that a few days afterwards she had called on him, and requested him to draw a note at 90 days for quested him to draw a note at 90 days for the amount specified, to be signed by her the amount specified, to be signed by the Rendorsed by Mr. A which he according-ly did and handed it to her:—that he knew nothing of what passed, or what was the state of things between Mrs. M and Mrs. Adams; nor heard any thing about it until Mrs. M. a day or two afterwards returned the note signed by herself and endorsed by Mr. A. Mr. A. several times repeated that Mr. K. had "deceived and imposed upon him" by taking the note for three quarters rent, inscead of two, for which latter only the distress was laid; and Mr. K. as frequently denied the charge of "imposition and de ception? —remarking also, amongst other things, that the endursing of the note was a voluntary, deliberate act of his own (A) a voluntary, definers a term in sown (a) and that he had no right now to complain oil it, after he (K) had released Mrs. If for that amount, and could not at this day get any redress from her for any part of her debt. Mr. A. at length observed, well. Sir, do you know that the drawer is a married woman, and being such when she ligned the note, it was, of course, from the commencement a nullity in law, and i am therefore not hound as endorser there is no obligation created either on the drawer or obligation created either on the drawer or endorser. The note is given for £187 50: Now, although I am not bound in the case at all, I will pay you the one half (ninety odd dollars) if you will release me from the remainder and resort to the woman for it Mr. Kerr promptly declined the offer, saying that he felt himself honestly and fairly entitled to the whole from Mr. A. and intimated that if he could not obtain it in any other way he would be obliged to resort to a suit.—Mr. Adams made no offer to select the subject to impartial or honourable men. the subject to impartial or honourable men, or to referees of any description, for settlement. Mr. A. after declaring that if Mr. K. would not accept the offer ne made him of one half he should not have a cent, and

of one near ne snotto not have a cent, and that he might try to get it in any, way he pleased, left the Bank.

Buring the whole of the above affair.

Mr. Adams was evidently in a state of great Mr. Adams was evidently in a state of great pussion, and used language and a manner, foud, insulting and unjustifiable: indeed we were surprised that Mr. Kerr did not, for this reason, proceed to similar excesses; in which case a personal conflict, or some other result, not less disagreeable, would have been unavoidable. Mr. Kerr, however, was moderate and delicate throughout, though manifesting a strong sense of

ever, was moderate and delicate through-out, though manifesting a strong sense of injury and indignation at the charges. We have given the substance of what oc-curred, and as nearly as we can recollect, the words where they were at all impor-tant; and, from the extraordinary nature of

the words where they were at important; and, from the extraordinary nature of the occurrence, as well as our situation relatively to it, we cannot but confide in our knowledge and recollect of the state of the sta that he never intended it to have been trans ferred to Bank; and wished to have no dif-ference with the Bank about it, but to con Cider it as a private affair between Mr. K (to whom he had made a reasonable offer the whom he had made a reasonable offer and himself. He was promptly answered that the Bank; did not consider itself a party, but that the difference was between Mr. Kerr and himself. For several days I heard but little or aghing more upon the subject,

excepting some applications made to me for information by different people, most of whom I referred to others: After perhaps a week or ten days, however, I naw the case alluded to in an Evening Paper. The next morning I received a request from Mr. Adams to call and see thing upon the subject. I did so, in hopes of effecting something like a reconciliation between the parties. Mr. A after reterring to the one currence at the Bank, and the transaction out of which thad grown, said he had received a letter from Mr. K. which totally unabluded any further communication beceived a letter from Mr. R. which totally precluded any further communication between them upon the subject. He read a passage in it, charging him with having imputed fraud to Mr. Ke r; and then remarked that he had not done so; that he had not applied that term to Mr. Kerr; I observed that he was mistaken; that he had done so it is not done to the had done so that he was mistaken; that he had done so the had done so that he had done so the had done so that he had done so the had done so t ercation. He then said the word had a certain "technical and legal" meaning, in which sense he did not mean to apply it to Mr. K: if he had done so he regretted it, and had no objection that Mr. K. should knowit, and I immediately offered to make

know it, and I immediately offered to make this explanation.

He still expressed a strong conviction osimposition by Mr. K. I told him it appeared to me that if he had been imposed upon, it was by another and not by Mr. Kerr I advised Mr. Adams to pay the note. Considerable conversation took place o the competency or incompetency of Mrs. M. to make a valid note. Mr. A. spoke of the hardship of his case, that he never had the lardship of his case, that he here intended to pay the money or any part of it, but to procure time for the drawer; that it he should pay the note, he had no means of countersecuring himself, except so far as Mrs M's millinery account against his lamity would go. His impression he said was that Mrs A had written two letters to the Krane this subject, which he wish Mr. K upon this subject, which newish to know, and Heft him with an understanding that I should see his again soon; I then saw Mr Kerr, and communicated the sib stance of what passed netween Mr. A and myself, endeavouring to make some progress towards and imate reconciliation: but consideration seemed to have streng ! ened in Mr. K the impression of the injury done himby Mr A's language & confuct, and although the word traud was then asi were expunged, he said he could not sib &c. I enquired about ilis A's tw. ters. One of them only he said had beer found; and it there had been another (or which he had some slight impression) it was a product one costo have been of no consequence in the case, and was either mislaid or destroyed. Soon afterwards I saw Mr. A again, intimated to him the saw-Mr. A sgain, intimated to him the state of Mr. K's feelings, and what had passed about Mrs A's letters, &c staing to him the particular expression in the one found by Mr. K. bearing upon the point of the intended amount of the note. Mr. A. told me he had determ ned to pay the whole no'e; but would in hat case be unjustly exposed to a loss. &c. We sepa unjustly exposed to a loss. &c. We sepa rated; a few days afterwards, at Mr. A. re-quest we had another interview -consid-erable conversation took place—he informerable conversation took piace—ne into ed me that, to secure himself, he had ta-ken from Mrs M a bill of sale, or transfer of her goods, which he had sent on to New York for her husband's confirmation. He handed me a check which he said was for the note, & wished me to pay Mr K. & de sired that I would request Mr. K. to send him the note and copies of Mrs A's letter or letters, iftney had been found. We parted. Without examining the check or its amount, or comparing it with what was due on the note, I immediately afterwards handed stover to Mr. Kerr, stating the purpose, and requested him to send the note and copies of Mrs A's letters as Mr A

Mr. . afer examining the check. Mr. A afer examining the cheek-promply declared that it did no cover the costs of rotest, and that he hould not have the note until he paid them, according to usage I remarked to him that it was a crifting sun and ne had better send the note. He will, that, as yet, but one letter from Mrs. A had been found, he thought there had been a previous one, but was con fined it had no specific relation to the con-tested poin, and had probably been des-troyed. I pressed on him the propriety of finding both it possible, and advised the sending of the note and copies, which I was still in hopes would be done before long. Mr. A. did not inform me that he relied on me for the return of Mrs. Moulton's note; and the two copes of Mrs. A 's let ers: the payment was inconditional and unrestricted; and was made according to Mr A's desire, accompanied with the request for the note, and copy or copies if they were to be had. Mr A I learnt, had the next day himself called on Mr. K. for the note, who refused it unless he paid the costs of prot About the copies, Mr A, I understand, said nothing ——Here I conceived my agency, unsuccessful as it was, ended Mr Adams indeed, soon afterwards requested me to call and see him again: but so triling had the contest become to a peed niary view, and so hopeless the prospect of ameliorating the feelings of the parties, that I declined going. I have occasionally seen Mr A afterwards, but nothing more has

Mr A afterwards, but nothing more has passed between us upon the subject Mr. K in the altercation in the Bank, repeated enquired of Mr, 'A. why he endorsed the note, if the sum specified in it was more than it oughtsto have been or he intended? Mr. A. did not intimate or pretend, sither in Bank or in his interview with me, that at the time of endorsement he had objected to the amount: nor did he say any thing about any letter from Mrs. A. or explanatory answer or communication from Mr. K or that point; although the conclusiveness as to the amount or the fact of his endorsement was repeatedly mentioned.

siveness as to the amount or the fact of his endorsement was repeatedly mentioned. I have been as careful as possible in giving the substance and even the words of whit is of any consequence—if, however. I have omitted any thing useful to either party, and I can be reminded o it by suggestion, or otherwise. I will with pleasure supply the deficiency, so far as facts and my recollection will enable me.

JOHN P. VAN NESS.

Washington, Sept. 13, 1828.

From the New York Statesman.
REFLE: TIONS UPON GENERAL
LA FAYETY E'S VISIT.
It is a subject of sincere congratulation, that during his whole progress thus far through our country, so few excesses of any kind have been committed by the people; In seasons of peculiar helarity and rejoicing, when the mind is in danger of being thrown from its balance, and the feel potting, when the mind is in danger of being thrown from its balence, and the feel ings are thort apt to triumph, directation, it is indeed ramarkable, that so the light fram res have occurred of any thing victors (the Thomas H Carroff, proper, or ridiculous being done or said, to Nicheles Brewer, junt

impair the satisfaction mutually experienced in his tour. This consideration will very much enhance the value of the compliment aid to nim by the pittleas of, this tountry, sittes it will show him, that this, volustary, tribute of respectande gratitude proceeds from an intelligent, enlightened and polite people—enthanistic, it is true, but decorous, orderly, and courteous in the apprecian of their feelings and sentiments. These characteristics of our countrymen have not escaped his observation; and it was more than French urbantry, which led him, on one occasion sings his landing to inquire, "where are the populace of this country?" and on another occasion, to speak of its "picked population"—phrases peak of its "picked population" -hrases peculiarly expressive, e mpli nentary, and what is still better, no: wholly undeserved.

what is still better, no: wholly unorserved to the view will, there fore, be to satisfy him. Europe, and the world, what we are in our must extravagent from the street with the world, what we have nothing or at least very little in this country, which corresponds with the rabble or miss in older and less fagoured nations. Such is the structure of civil society, the general diffustructure of civil society, the general diffu-sion of intelligence, the modes of educa-tion, the prevalence of sobar and industrious habits, that the great mass of the peo ple in this country are enlightened and courteous; and so great is the force of public opinion, that excesses and acts of indeor opinion, that excesses and acts of inde-corom of any kind would not be tolerated. The inhabitants of this city have been to-gether in multitudes on different occasions; and although some parts may have been and although some parts may have been overacted, yet we recollect no one incident strikingly indecorous. Perhaps these things should be left to be said by others; but under certain circulistances, seli complacency and self-respect, become virtues.

Another beneficial effect, resulting from the visit of Gen. La Fasette, is a practical

Another beneficial effect, resulting from the visit of Gen La Fayette, is a practical reducation of the maxim, that Republics are ungrate ul. It did not indeed require this new and signal instance of the gratitude of a free people towards their benefactors, to shield the United States from this veneral and veneral veneral and veneral and veneral and veneral and veneral and veneral and veneral venera general and vague imputation. The honours which were paid to Washington while living, and which have been tendered to his me nory since his death—the liberality of our government in providing for the wants and administering to the comfort of our revolutionary patriots and soldiers, who are in in-ligent circumstances; and the voluntary respect and deference, which are nabitually and universally pa d to the remnant of that immortal band, furnish striking evidence of the injustice of the lorger ing evidence of the injustice of the long ing maxim, so far as it regards this country. Instances, no doubt, my be founded over an rewarded; bu such cases are of rare octellige t, discriminating & virtuous people

But the visit o La Fayette will have another good effect, which, in point of im-portance, far outweighs every other con American revolution, after the lapse of hal with the exception of the hostility that was cherished—he blood that was spill—and the treasure which was expended in the eventful struggle.
His presence will summon together, and

place in a still more conspicuous point o view, the surviving actors in those nemora ble scenes. It will conduct ten millions of freemen to the tombs di their Fathers, and impress s'il more deeply the recollections of their patriotic principles, their stern, republican virtues, and their pre-eminent public services La Fayette will, as it were, take by the hand the children of his empatriots and associates in arms, and compatriots and associates in arms, and leaf them to fields of glory; to Bunker Hill. Momouth, and Yorktown, awakening all the associations connected with the memorials of our fame. His name is a nemonals, which will call up and present to our view, the scenes of other times; the hattles and achievements of the revolution; and spirits of that gallant and heroic band, who rushed to arms in the cause of freedom, and gloriously triumphed in the war of independence. The yout of this countries will be seen and gloriously triumphed in the war of independence. try will turn to the anna's of history, to the pages of the biographer, for an explanation of events, and a fuller knowledge of persons daily called to mind But above he example of La Fayette nimself, the the example of La Fayette nimself, the mos perfect model of heroism and of disinterested philanthropy, which the annals of mankind, or even the legends of chivalry and the fictions of epicsong can furnish, will have a most salutary influence on the minds and the hearts of the rising genera tion, holding up a high and n ushed exam-ple for imitation, in alling the sounder and best feelings of our nature, enkindling the noblest emulation, and pointing to the enthusiastic voice of public applause, to aubstant al and and ving faine, as the reward

Maryland Gazette.

of true merit and real glory

ANNAPOLIS: THURSDAY, OCT. 7, 1824.

GENERAL LA FAYETTE. General La Fayette is to make his entry into Baltimore this day. The infantry company commanded by Captain Hutton and the La Fayette corps commanded by Captain Hobbs. left this city yesterday for Baltimore to unite with the troops there in paying the G meral military honours. The regulars from Fort Severn left here for the same purpose on Tuesday

MR. BAYARD'S ORINION OF MR.
JOHN QUINCY ADAMS.
A white in one of the Delaware papers
has given the opinion which James A. Bayhas given the opinion which James A. Bay-ard expressed of that profound statesman John Quinev Adams. It is so just that it ought to have the most extensive circula-tion. Mr Bayard said side was a little, con-tracted politician—that his heart was fully tracted politician - that his near was fully and completely devoted to New-England, and his own interest, and that he would desert and ahandon the hest planned hational measure, when a half a dozen codfish were at stake."

ELECTION RETURN ELECTION REPURN
For this City.
For this City.
For the CREAL ASSEMBLY.
Anti-Caucos-Ticket.
Joseph J. Speed,
Robert Wilson, senior;
Caucas Ticket.
Tiamas H Carroff,
156
William Research 156 RETURN OF VOTES TAKEN IN ANNE-ARUNDEL COUNTY Districts. For Assembly. No. 1, 2, 3, 4, 5, 6, 7, Total 330, 283 245 1,33

Villiam H. Marriett, bristopher Li Gantt, lirgit Maxcy, tezin Estep. Abner Linthicum, conard Iglehart, acob Williams, ohn S. Williams, or. Jámes Tongue, fohn C. Weems, ohn Joseph Kept,	- 516 - 406 - 419 - 69 - 81 - 26 - 113 - 257 - 225	992 90 69 41 85 6 32 61 76		185 200 181 144 29 92 67	19 204 106 226	154 106 117 65 00			
For Sheriff. Robert Welch, of Ben. John Knighton, William C. Davis, R. Iglehart, B. Marriott, Nicholas Dorsey.	- 266 - 229 - 59 - 9 - 00 - 5	- 80 53	71 00 54	113 58 1 241 55 93	00 163 160	20 00 86 196	32%	944 857	

We have not been able to procure a complete return of the votes given for sheriff, but learn that Mr. Welch is elected, and that Mr. R. Iglehaer stands second on the return.

BARNEY VS. PATTERSON'S Lessee.

ppinion with the court below on that ex-

The question raised on the second till of exceptions taken at the trial is, whether the appellee acquired the legal title under and in virtue of that judgment and sale? On in virtue of that judgment and late:

the pass of this appeling the has been strong;
ly urged, that he didnot, lest on the ground
that the proceedings in der the attachment
were corum non judice, and wholly null and void; and second, that the judgment of the circuit court is a foreign judgment, and not conclusive, but examinable.

By the lith section of the act of con-

gress of 1789, ch. 20, it is provided, other the circuit court of the United States, shall have original cognizance, concurrent with clusive of costs, the sum or value of five hundred dollars, and the United States are plaint. If so re pet tioners, or an alien is a party, or the suit is between a citizen of the authority of the suit is between a citizen of the suit is setween a citizen of the s state where the suit is brought, and a citi of another state? And by the 34th section of the same law it is enacted, withat the laws of the several states, except where the constitution, treaties, or statutes of the United States, shall otherwise require or ests, an attachment will lie against the prop provide, shall be regarded as rules of decision in trials at common law in the courts
of the United States, in cases where they

of the United States, in cases where they apply."

The amount for which the suit was brought by the United States against Brown, far exceeded five hundred dollars, the circuit court therefore had tull, complete and unlimited jurisdiction of the subject matter in dispute, under the 11th section; and the laws of Maryland, applicable to the subject, being by the 34th section made rules of decision for the circuit court, that tribunal was clothed with all the power and authority to award an attachment possessed by the courts of the state, under the act of 1715, ch. 40 section of this act, upon which the proceedings in attachment shall is sue out of any court of this province, before a writ or summons be first made out, upon which writ, if the party defendant be an inhabitant or resident within this province, and the sheriff shall return a monest inventus, one other writ or summons shall return a monest intentus, one other writ or summons had return a monest was brought. Was exhibited to the court. menture, one other writ of summons shall interespon, in like manner aforesaid, issue forth against the said defendant; and if the shall, upon the second writ or summons shall interespon, in like manner aforesaid, issue forth against the said defendant; and if the sheriff shall respect to the form as being the sheriff shall respect to the form the said defendant; and if the sheriff shall, upon the second writ or summons, return a n me est innentus likewise, an a tachment shall and may, in manner and form hereafter set down, be awarded to the court of their damages.

forth against the said defendant; and if the sheriff shall, upon the second writ or suminons, return a mine of inventus likewise, an intermediate set down, he awarded." The 3d section are horizen as a stackment, such different hereafter set down, he awarded." The 3d section are horizen as a stackment, such different hereafter set down, he awarded." The 3d section are horizen as a stackment, such different hereafter set down, he awarded." The 3d section are horizen as a stackment, such different season as the pourt shall think fir," to be awarded against the "goods, chattels and creigis." of the defendant, with a clause commanding the stieriff, at the time of executing he attachment, to make known to the personal persons in whose hands or possession the goods, &c. attached are, to appear before the pourt on the ferturn of the passage of the sc, should not be come used, &c. and different to sike we have to the contrary, the goods, &c. and like to see the construction given to the same rects that, if on the return the present of the defendant nor the garnished shall appear to show cause to the contrary, the goods, &c. and like the same to show cause to the contrary, the goods, &c. and like an other judgments, the plaintiff giving security for the use of the defendant, which was done by the United States to make restumtion of the goods, &c. so condemed, or the value thereof, if the defendant, which was done by the United States to make restumtion of the goods, &c. so condemed, or the value thereof, if the defendant, which was done by the United States to make restumtion of the goods, &c. so condemed, or the value thereof, if the defendant, which was done by the United States to make restumtion of the goods, &c. so condemed to the state of the stat

12:35

COURT OF APPEALS, JUNE TERM, | he is styled Aquila Brown, late of the Me. ryland district. The bill of exchange, on which the suit was founded, is dated at Beltimore, and the declaration charges that BUCHANAN, J. denvered the opinion of the court. This is an appear from the judgment of the Ballimore county court, in an action of ejectment, brought by William Patterson's lessee, the appellec, against John Rossen, the supelling the supelling that the Patterson's lessee, the appellee, against John Barney, the appellant.

The appellant of the specific of the specific of the specific of the land of the state, appear upon the face of the profile of the United States, in virtue of a weit of fierifacius, sued out of the circuit court of the fucies states, in virtue of a weit of fierifacius, sued out of the circuit court of the fucies states, in virtue of a weit of fierifacius, sued out of the circuit court of the fucies states, in virtue of a weit of fierifacius, sued out of the circuit court of the fucies states in question, on proceedings in attachment, in a suit instituted by the United States against Aquila Brown, junn to whom the premises so condemned and sold, Belonged. All discussion of the first bill of existing successful of the states against Brown to give first bill of existing successful on by indee; but the question in counsel on his bides; but the question in of the United States against Brown to give jurisdiction to the court? No mode of proof proof in the decircuit of the state, appear upon the face of the proceedings that he was a resident of the state, and there is nothing in the case from which the contrary appears upon the face of the proceedings that he was a resident of the state, and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; and there is nothing in the case from which the contrary appears, or can be inferred; a dant is a resident of the state before as-cond non est in ventus has been returned; But is it true that an attachment can on-

be awarded under the 2d section against the goods, the of a resident defendant. Take act is indeed allent as to foreigners eo nomine, but is it not prohibitory only as resipects residents? The language used is, not that no attachment shall issue anless the party defendant be a resident of the attac, or if he has a foreigner or non resident, but party defendant be a resident of the state, or if he be a foreigner or non resident, but the words are, is that from henceforth no attachment shall issue out of any court of this province before a writ or summons be first made out, upon which writ, if the penty defendant be an inhabitant or resident within the province," &c then provisions made for the return of a first and a second not an inhabitant or resident; and in the absence of any such provisions the construction found to have been given to that section of the act by the different courts o whatever would be the construction,

at an inferior call the term as used in English, cal sense of the term as used in English cit not like the case of special and salta-tis not like the case of special and salta-rilary powers given by statute to a con-orielation to a subject matter of which ordinity powers and such control of which is relation to a subject matter of which such court has no jurisdiction independent of the statute, but derives its authority to act upon facts, arising is post entirely from the statute giving the power, and presenting the mode of proceeding. The act upon where the proceedings of the six can the proceeding of the six can the present the proceeding of the six can be made to the proceeding of the six can be supported in the proceeding of the six can be supported in the proceeding of the six can be supported to settle the manner of proceedings on attachments and timiting the entired of them, and to provide what shall be writted on such attachments and execution. kried on such attachments and execu-tions." It belongs to the sovereign autho-nity of a state to preserve the mainer of proceeding in its courts of justice, and so make such provisions for the recovery of debts at the legislature may deem most ex-pedient. The proceeding by attachment under that law is only process to compel the appearance of a defendant to a suit be-teen broughly and depending in a court of the appearance of a defendant to a suit before brought and depending in a court of
competent jurisdiction, whose person cannot be reached by the process of the court,
of which it comes in aid, and without
which the laintiff would be without remecompessive jurisdictions, whose sof the court, of which it comes in aid, and without which the alimitif would be without remedy; and it not a proceeding in derogation of the projects of the common law, but rather in litigation of the severity of the common law index our of defendants. By the common law, where a defendant was summoned, and would not appear, he goods were liable to be proceeded against by attachment and distress infinite, and the goods were liable to be proceeded against by attachment and distress infinite, and the goods were liable to be proceeded against by attachment and distress infinite, and the goods were the defendant was abroad or kept out of the way so that he could not be arrested the plaintiff might proceed against him to outlawry, which was also attended with a forfeiture to the King of all his goods, and chattels. The proceeding to outlawry, or by distringas, was to compel the appearance of the defendant; and so with the attachment here, it is only a proceeding against, the defendant's goods, to compel his appearance, with this difference in favour of the defendant, that a year and a day is given himsto come in and appear to the original action, and if he can defeat it, to have a return of his property without any forfeiture to the state. And it would seem, from the language of the preamble, that the act was passed with a view to a mitigation of the rigour of the commenlaw; and an outlawry, though the just himself, and that only sub mode, by his appearing and putting in bail, 6. Com.

Dig. 488 (C. 2. 1 Wm. Blk. Rep. 20. And in 10 Co. Rep. 77, it is laid down, what if the court of common pleas hold plea in debt, trespass, &c. without an original, it is not void, for they are judges of those pleas, and it cannot be said that the proceeding is coram non judice;" and surely in such case the irregularity is great as any spearing in the norrestant in the proceeding as defendant ways.

pleas, and it cannot be said that the process ding is coram non judice;" and surely in such case the irregularity is a great as any sppearing in the proceeding before the circuit court. And in the me book, 76, it is said, "that if the court of common pleas, in a plea of debt, awards a capias against a Duke, Earl, &c. which by law doth not lie against them, and that appears is the writ itself; and if the sheriff arrests them by force of the capias, although the writ be against law, notwithstanding inas-much as the court has jurisdiction of the cause, the sheriff is excused;" which could

With regard to the second point raised, "that the judgment of the circuit court is a foreign judgment and not conclusive but examinable," the long and well established rule in England is, that foreign judgments are not conclusive, but are always examinable, where the national classing the hone nable, where the parties claiming the bene it of them apply to the courts of that country to enforce them; as, if an action of debt or assumpsit he brought upon such a indement, it is only prima facie evidence of the debt, and may be impeached by the other party; but that the judgments of foother party; but that the Judgments of re-reign courts of competent jurisdiction, when coming incidentally in question, have the same force and effect with domestic judgments; that principle was recognized and adopted in Pennsylvania in Repelje vs. Emery, 2 Dall 231, and in the supreme court of the United States in Croudous and others, vs. Leonard, 4 Cranch 434; and the same principle applying with equal force in this state, the same rule will be adopted

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Treating then the judgment of the cirevit court as the judgment of a foreign tri-bunal of competent jurisdiction, it stands upon the same footing that a domestic judg-ment offered at the trial for the same purwould have done, and was not liable pois would have done, and was not little to be impeached in the Balkimore county court for any mere irregularity, though such irregularity, should be a sufficient ground for reversal in an appellate court, unless the Balkimore county court could have erected itself into a court of errors to revise and correct the proceedings of the circuit court, nor can it be here. But under the peculiar structure of our pelitical system, itshould not be treated as a foreign judgment. The constitution and laws of the United States are the supreme law of the test formats. this state, the laws of this state furnish rules of decision for the circuit court, and sauces commenced in the state courts may be removed for trial into the circuit court The citizens of the state are returned and serve as jurger in that court, and are amena ble to its process; and their property, real and personal, is liable to seigure and sale by the marshall of the district under execufrom issued upon the judgments of that court, with other attributes of a domestic tourt, belonging to that tribunal, which place it on a ground very different from that of a foreign court.

This judgment is also objected to on the ground, that it is resister alice acts, the appellant not being a party to the proceedings. But the doctring that judgments and decrees are only evidense in suits between parties and privise, though generally true, is not applicable to this case; the judgment of the circuit event being introduced, not as a binding per se, upon the rights of the appellant, but only as a document consected which has shain of the appeller's tille, and is no more amountant to objection, thank deed from Brown, or any other fille, papers, equally ret rater dies acta, would be, without showing that, judgment under the authority of which the sale by the marshall was made to the police, the validity of that sale would not be it ablished; and for riject it, would be in the life of decide that a title derived under a sent to decide that a title derived under a sent to a merchall or thought is of no estidity in a suit by or a-This judgment is also objected to on the there is of no validity in a suit by or a-

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